

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE RANBAXY GENERIC DRUG
APPLICATION ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS

Master File No. 19-md-02878-NMG

**DIRECT PURCHASER CLASS PLAINTIFFS' MOTION FOR ENTRY OF AN ORDER
APPROVING THE FORM AND MANNER OF NOTICE, APPOINTING A NOTICE
ADMINISTRATOR, AND FORMALLY APPOINTING CLASS REPRESENTATIVES
AND LEAD CLASS COUNSEL**

Pursuant to this Court’s order granting the Direct Purchaser Class Plaintiffs’ Motion for Class Certification (the “Order”), the direct purchasers respectfully request that the Court enter an order formalizing its findings with respect to the certification of the direct purchaser classes; designating Meijer, Inc. and Meijer Distribution, Inc. representatives of the certified classes; appointing Thomas M. Sobol and Kristen A. Johnson of Hagens Berman Sobol Shapiro LLP and Steve D. Shadowen of Hilliard & Shadowen LLP lead class counsel; approving the form and manner of notice to the certified classes; and appointing Rust Consulting, Inc. as the notice administrator in this action.

On May 14, 2021, the Court issued an Order granting the Direct Purchaser Class Plaintiffs’ Motion for Class Certification.¹ For the reasons set forth in the Order, the Court certified three classes of direct purchasers of Diovan, Nexium, and Valcyte. Pursuant to Fed. R. Civ. P. 23(c)(1)(B), “[a]n order that certifies a class action must define the class and the class claims, issues, or defenses, and must appoint class counsel under Rule 23(g).” Accordingly, the direct purchasers respectfully move the Court to enter a supplemental order, consistent with the Order, formalizing its findings under Fed. R. Civ. P. 23, designating Meijer, Inc. and Meijer Distribution, Inc. representatives of the certified classes, and appointing Thomas M. Sobol and Kristen A. Johnson of Hagens Berman Sobol Shapiro LLP and Steve D. Shadowen of Hilliard & Shadowen LLP lead counsel for the certified classes.²

The direct purchasers also respectfully request that the Court approve the proposed form and manner of notice to the certified classes informing them of the pendency of this class

¹ ECF No. 389.

² The direct purchasers initially sought appointment of Thomas M. Sobol and Steve D. Shadowen as lead class counsel. ECF No. 286-42. With their reply brief, the direct purchasers modified proposed lead class counsel to include Kristen A. Johnson of Hagens Berman Sobol Shapiro LLP. ECF No. 350-1. This change is reflected in the proposed order attached herewith.

action and appoint Rust Consulting, Inc. as the notice administrator tasked with effectuating notice to each class member.

The direct purchasers file herewith a memorandum and the Declaration of Thomas M. Sobol in support of this motion, as well as a proposed order for the Court's consideration (with the proposed form of notice attached as an exhibit to the proposed order and declaration).

Pursuant to Local Rule 7.1, the direct purchasers have provided Ranbaxy with drafts of the proposed form and manner of notice and discussed their contents. With the exception of one issue concerning the underlined language in the introduction of the proposed notice attached herewith, Ranbaxy's proposed edits to the class notice were incorporated.

Dated: August 6, 2021

Respectfully submitted,

/s/ Gregory T. Arnold

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CERTIFICATE OF SERVICE

I, Gregory T. Arnold, certify that, on this date, the foregoing was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record, and parties may access the filing through the Court's system.

Dated: August 6, 2021

/s/ Gregory T. Arnold
Gregory T. Arnold